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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,999	02/04/2004	Nathan Taylor	NATNAN P01AUS	5161
20210	7590	11/21/2006	EXAMINER	
DAVIS & BUJOLD, P.L.L.C. 112 PLEASANT STREET CONCORD, NH 03301			PAHNG, JASON Y	
			ART UNIT	PAPER NUMBER

3725

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/771,999	TAYLOR, NATHAN	
	Examiner	Art Unit	
	Jason Y. Pahng	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's request for the election requirement made FINAL on June 29, 2006 is acknowledged. As an initial matter, any issue with a restriction requirement already made FINAL should be properly addressed by filing a petition according to the MPEP. Therefore, a response to the restriction argument need not be provided in this Office action.

However, another review of the election requirement has been taken in view of Applicant's request. It is found that the election requirement is proper. Applicant's argument that examiner's example provided on June 29, 2006 is read on claim 11 is not correct because claim 11 specifically requires a fastening step after a plurality of separate mold sections are formed. This is materially different from providing a releasable fastening mechanism and then a step of forming separate mold sections and requiring no fastening step.

It is noted that no further response regarding this restriction requirement will be addressed in any future Office action.

### ***Drawings***

The amendment overcomes the drawing objections made in the last Office action.

***Claim Objections***

The amendment overcomes the claim objections made in the last Office action.

***Claim Rejections - 35 USC § 112***

The amendment overcomes the claim rejections made under 35 U.S.C. 112 made in the last Office action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bendzick (US 3,853,451).

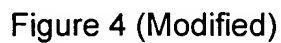
With regard to claim 1, Bendzick discloses an expandable basket mold (expanded in Figure 2 and compressed in Figure 1) for making a basket comprising a plurality of separate mold sections(11, 13, and 27) comprising at least a bottom section (13) and a top section (27) defining a contiguous circumferential sidewall (outer side surface of 11 and 27 in Figure 2) extending between a top surface (top of 12) and a bottom surface (bottom of 10) of the basket mold; and wherein the plurality of separate mold sections (11, 13, and 27) are secured together to form the basket mold by a

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releasable fastening mechanism (at least between 13 and 27; See Modified Figure 4 below).

With regard to claim 16, Bendzick discloses a contiguous sidewall increasing in radius between the bottom surface and the top surface of the mold (Figure 2).

With regard to claim 17, Bendzick discloses each mold section defined by an upper surface having an upper radius (R3 in Modified Figure 4 below) slightly larger than a lower radius (R2 in Modified Figure 4) of a lower surface of the mold section and the lower radius (R2) of each successive mold section from the bottom section substantially matching the upper radius (R2) of the preceding mold section to form the radially increasing contiguous sidewall extending between the top and bottom surface of the mold.



With regard to claim 1, Breezer discloses a mold capable of being used for a basket and capable of being expanded including:

1. a plurality of separate mold sections (A, B and C, modified Figure 1 below) comprising a bottom section (C, modified Figure 1 below) and a top section (A, modified Figure 1 below) defining a contiguous circumferential sidewall

- (38) extending between a top surface (top of A) and a bottom surface (bottom of C) of the basket mold (modified Figure 1 below);
2. the sections are secured together by a releasable fastening mechanism (58).

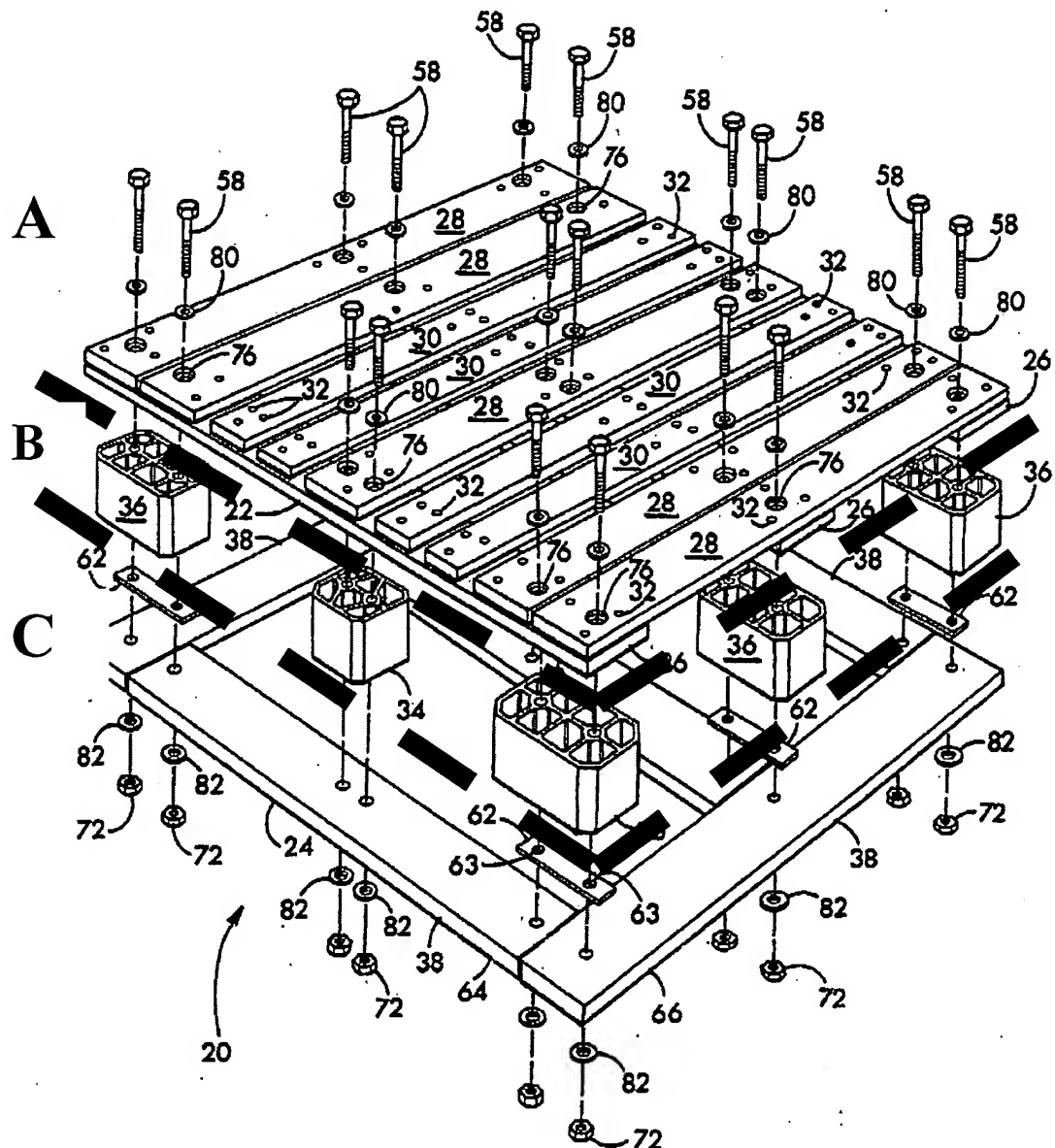


FIG. 1

With regard to claims 2 and 8, Breezer discloses a passage defining a throughbore (Figure 1).



With regard to claim 3, Breezer discloses an intermediate mold section (B, modified Figure 1).

With regard to claim 4, Breezer discloses a first mold defined by the bottom section (C, modified Figure 1) and the top section (A, modified Figure 1). Breezer also discloses a second mold defined by another separate mold section (B, modified Figure 1) in addition to the first mold.

With regard to claim 5, Breezer discloses each mold section comprising a substantially planar top and bottom surface defining a sidewall portion therebetween (Figure 1).

With regard to claim 6, Breezer discloses a top surface of each mold sections having a top edge profile substantially matching a lower edge profile of the next adjacent mold section (Figure 1).

With regard to claim 7, Breezer discloses a top surface of each mold section aligned with a bottom surface of an adjacent mold section (Figure 1). The sidewall portions of mold sections define a mold sidewall (Figure 1).

With regard to claim 9, Breezer discloses a larger diameter defining a counter sunk portion into which a head of a bolt may be situated (Figure 7).

### ***Response to Arguments***

Applicant's arguments filed on September 29, 2006 have been fully considered but they are not persuasive.

Applicant argues that because Breezer does not disclose or teach a basket mold that Breezer does not anticipated claim 1 (page 7). This is not found persuasive even after giving a full weight to the preamble because Breezer discloses a device capable of being used as a basket mold and teaches all the structures claimed by claim 1.

Applicant also argues that Breezer does not provide a sidewall portion which is contiguous between an upper and lower surface of each mold section and extends circumferentially about the entire mold (page 8). This is not true. Breezer discloses a circumferential sidewall (38) in Figure 1.

With regard to claims 16 and 17, a new rejection is provided as discussed above.

Applicant presents no additional arguments regarding the rest of the claims.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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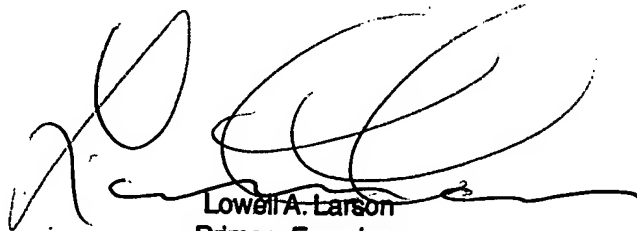
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Y. Pahng whose telephone number is 571 272 4522. The examiner can normally be reached on 9:30 AM - 8:00 PM, Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571 272 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JYP



Lowell A. Larson  
Primary Examiner